

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DILLON)

Guess Farm Equipment Company, Inc., d/b/a) Civil Action No. 2011-CP-17-0413
Guess Irrigation Company,)

Plaintiff,)

vs.)

Justice Family Farms, L.L.C, And)
Catfish Bay, LLC,)

Defendants.)

**PLAINTIFF'S MOTION
TO COMPEL**

Guess Farm Equipment Company, Inc.,)

Third Party Plaintiff,)

vs.)

Valmont Industries, Inc., d/b/a Valmont)
Irrigation, a/k/a Valley Irrigation,)

Third Party Defendant.)
_____)

FILED
GWENTHYATT
2015 AUG -3 AM 11:12
CLERK OF COURT
DILLON COUNTY

TO: THE DEFENDANTS, JUSTICE FAMILY FARMS, LLC AND CATFISH BAY, LLC, AND THEIR ATTORNEYS, SAMUEL F. ARTHUR, III, ESQUIRE AND K. BRETT MARSTON, ESQUIRE

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, Guess Farm Equipment Company, Inc., d/b/a Guess Irrigation Company ("Guess Irrigation"), by and through its undersigned counsel, moves before the Presiding Judge of the Dillon County Court of Common Pleas for an Order pursuant to Rule 37 of the South Carolina Rules of Civil Procedure compelling the Defendants to more fully respond to Guess Irrigation's Interrogatories 26 and 33 and Requests for Production 34 through 39 of Guess Irrigation's Third Interrogatories and Third

Request for Production. Copies of the Defendants' original responses to these discovery requests are attached to this motion as Exhibit A.

Guess Irrigation's Interrogatory No. 26 and Requests for Production Nos. 34-38 generally sought net worth and financial information for calendar or fiscal years 2011 and 2012 of all persons or entities who own an interest in either Justice Family Farms, LLC ("JFF") or Catfish Bay, LLC ("Catfish Bay"), as well as all persons or entities who own an interest in those entities. By Order dated August 18, 2014 (the "Discovery Order"), the Honorable Paul M. Burch ruled that Guess Irrigation was not entitled to this information, ruling on page 6 of the Discovery Order: "Guess' discovery seeks information about the net worth of a mere owner of an entity, *without any basis for doing so*" (emphasis added). However, in granting a Motion to Alter or Amend that Guess Irrigation filed pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure (the "Rule 59(e) Order", attached as Exhibit B), Judge Burch ruled that Guess Irrigation should be allowed to revisit this issue after reviewing data that JFF produced pursuant to the Discovery Order. After reviewing the information JFF produced, and in light of Judge Burch's rulings in the Rule 59(e) Order, Guess Irrigation maintains good cause exists to revisit the issue and now asks the court to compel disclosure of the information sought by these discovery requests.

Guess Irrigation's Request for Production No. 39, also included in Guess Irrigation's Third Request for Production, sought documentation regarding other litigation in which JFF, Catfish Bay, and their controlling persons or entities have been involved in the last five years and in which similar allegations were made against those parties. Interrogatory No. 33 sought information regarding 47 different companies of which James C. Justice, II is claimed to be the President and CEO in a biography publicly posted on the website of The Greenbrier, a resort in

West Virginia owned, like JFF and Catfish Bay, by one or more of the Justice family of companies. In the Discovery Order, Judge Burch wrote: “[C]onduct over which this Court would have jurisdiction may be limited to only that occurring in South Carolina. In other words, a request could only be proper if it was limited to ‘litigation’ arising out of conduct committed in South Carolina and ascribed to Justice Family Farms, LLC[.]” In its Rule 59(e) Motion, Guess Irrigation expressed concern that the Defendants will claim this ruling bars discovery into evidence concerning the Defendants’ conduct outside South Carolina, and indeed JFF has cited the Discovery Order in objecting to Guess Irrigation’s request for information on litigation outside South Carolina involving the Defendants. In granting Guess Irrigation’s Rule 59(e) Motion, Judge Burch held that the offending sentences in the Discovery Order “are to be considered deleted for all intents and purposes, and nothing in the Discovery Order shall be construed to limit Guess Irrigation’s discovery requests to inquiries regarding activities occurring within South Carolina or to imply the activities of the Defendants outside South Carolina are not relevant.” Discovery Order, pages 6-7. Accordingly, Guess Irrigation moves to compel the disclosure of information and documentation concerning lawsuits, arbitrations, or other formal dispute resolution procedures outside of South Carolina involving the Defendants.

Guess Irrigation further moves to reconvene the Rule 30(b)(6) deposition of the Defendants so inquiry can be made into any lawsuits, arbitrations, or other formal dispute resolution procedures involving the Defendants outside of South Carolina. The Defendants objected to any such inquiry during the Rule 30(b)(6) deposition based on the Discovery Order, but the language upon which they relied was deleted by the Rule 59(e) Order.

This motion is supported by the pleadings in this action, the Discovery Order, the Rule 59(e) Order, any memoranda which may be subsequently submitted, all applicable statutes and

case authority, the applicable Rules of Civil Procedure, completed discovery, and such other evidence and authority as the court may find acceptable to consider.

The undersigned counsel certifies, pursuant to Rule 11 of the South Carolina Rules of Civil Procedure, that prior to filing this Motion he communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter contained in the motion. Consultations shall continue until the time of the hearing.

BARNES, ALFORD, STORK & JOINSON, LLP

By:

A handwritten signature in black ink, appearing to read "Robert T. Strickland", written over a horizontal line.

Robert T. Strickland
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
(803) 799-1111

Attorneys for the Plaintiff

July 31, 2015

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DILLON)

GUESS FARM EQUIPMENT COMPANY,) Civil Action No. 2011-CP-17-413
INC., d/b/a GUESS IRRIGATION)
COMPANY,)

Plaintiff,)

vs.)

JUSTICE FAMILY FARMS, LLC,)
CATFISH BAY, LLC, and)
CARTER BANK & TRUST,)

Defendants.)

**DEFENDANTS' ANSWERS TO
PLAINTIFF'S THIRD SET OF
INTERROGATORIES**

FILED
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CLERK OF COURT
DILLON COUNTY

**DEFENDANTS', JUSTICE FAMILY FARMS, LLC AND CATFISH BAY, LLC,
ANSWERS TO PLAINTIFF'S THIRD SET OF INTERROGATORIES**

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, the undersigned requests that the Defendants answer the following Interrogatories, under oath and in writing, within thirty (30) days of their service upon the Defendants' counsel of record:

23. Provide the names and addresses of all persons or entities that own any interest in Justice Family Farms, LLC or Catfish Bay, LLC.¹ For each individual or entity identified, provide the following information:

- a. The percentage of ownership each has in Justice Family Farms, LLC or Catfish Bay, LLC; and

¹ The purpose of Interrogatories 23 thru 25 is to identify all individuals that have an ownership interest in Justice Family Farms, LLC and Catfish Bay, LLC, and as to any corporation, limited liability company, partnership, limited liability partnership, or other entity having such an ownership interest, the names and addresses of those individuals and entities having an ownership interest in those entities. The purpose is to identify the individual or individuals who, either through direct ownership or indirect ownership (exercised through the control of intervening business entities), ultimately controls the Defendants.

- b. As to any corporation, limited liability company, partnership, limited liability partnership, or other entity identified in response to Interrogatory 23, provide the names and addresses of all persons or entities that own any interest in that entity.

ANSWER: *Defendants reply that James C. Justice Companies, Inc. (302 S. Jefferson Street, Roanoke, VA 24011) has a 100% ownership interest in Justice Family Farms, LLC. Catfish is also an entity whose assets are now owned by James C. Justice Companies, Inc. Because Plaintiff's footnote seeks to clarify the purpose of this interrogatory, Defendants offer further in response that the principal decision-makers who own James C. Justice Companies, Inc. include James C. Justice, II and James C. Justice III, both of whom are at 302 S. Jefferson St., Roanoke, VA 24011. These two named individuals ultimately control the Defendants. Defendants object to any remaining portion of this request for which no response is provided on the basis same is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.*

24. For each entity identified in response to Interrogatory 23(b), provide the names and addresses of all persons or entities that own any interest in that entity. For each individual or entity identified, provide the following information:

- a. The percentage of ownership each has in that entity; and
- b. As to any corporation, limited liability company, partnership, limited liability partnership, or other entity identified in response to Interrogatory 24, provide the names and addresses of all persons or entities that own any interest in that entity.

ANSWER: *James C. Justice, II is the majority owner and James C. "Jay" Justice, III is minority owner of James C. Justice Companies, Inc., identified above in #23 as the entity which owns Defendants. Address is supplied above.*

25. For each entity identified in response to Interrogatory 24(b), provide the names and addresses of all persons or entities that own any interest in that entity. For each individual or entity identified, provide the following information:

- a. The percentage of ownership each has in that entity; and
- b. As to any corporation, limited liability company, partnership, limited liability partnership, or other entity identified in response to Interrogatory 25, provide the names and addresses of all persons or entities that own any interest in that entity.

ANSWER: *See #24 above.*

26. State the net worth of any individual or entity identified in response to Interrogatories 23, 24, or 25 for calendar or fiscal years 2011 and 2012.

ANSWER: Defendants object to this interrogatory on the grounds that the information requested is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence, and that it is unduly burdensome and invasive of their privacy. However, as to issues of collectability of any judgment, should one be entered against Defendants, we would offer the alternative suggestion of providing a Letter of Credit from a bank or other financial institution in lieu of fully responding to this interrogatory.

27. List all lawsuits, arbitrations, or other formal dispute resolution procedures (referred to collectively as "Litigation") filed against any individual or entity identified in response to Interrogatories 23, 24, or 25 in the preceding five (5) years where the plaintiff/claimant in that Litigation alleged one or more of the following causes of action or theories of recovery:

- a. Breach of contract;
- b. Foreclosure of mechanic's lien;
- c. Quantum meruit / unjust enrichment;
- d. Civil conspiracy;
- e. Abuse of process; and/or
- f. Violation of any unfair trade practices or similar act.

For each Litigation listed, provide the following information:

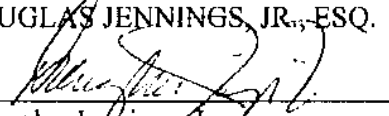
- a. The date and place each Litigation was filed;
- b. The docket number for the Litigation;
- c. The name and addresses of the litigants and their attorneys of record;
- d. The nature of the dispute, including the allegations made and the claims asserted; and

- e. The result of each Litigation, including the amount of any verdict or the terms of any settlement.

ANSWER: *Defendants advise that beginning about mid-year 2012, Defendants secured permission to use software to help track litigation. To the extent responsive information appears in this software database, the following litigation, from that period until today, appears responsive (See attached spreadsheet). This attached spreadsheet may not be inclusive of all cases, but Defendants' counsel will supplement if more information becomes available.*

Respectfully submitted,

JOHN W. DAVIDSON, ESQ.
DOUGLAS JENNINGS, JR., ESQ.

By: 
Douglas Jennings, Jr.
151 Broad St., PO Box 995
Bennettsville, SC 29512
Tel # (843)479-2865

Attorneys for Defendants

*Bennettsville, SC
April 19, 2013*

RESPONSE: *Objection. The documents requested are irrelevant, unreasonably burdensome, and/or the information sought is not reasonably calculated to lead to the discovery of admissible evidence.*

36. All reports, including but not limited to annual reports, audited and unaudited financial statements, net worth statements, and profit and loss statements, from which the net worth of any individual or entity identified in response to Interrogatory 23 can be established for calendar or fiscal years 2011 and 2012.

RESPONSE: *Objection. The documents requested are irrelevant, unreasonably burdensome, and/or the information sought is not reasonably calculated to lead to the discovery of admissible evidence.*

37. All reports, including but not limited to annual reports, audited and unaudited financial statements, net worth statements, and profit and loss statements, from which the net worth of any individual or entity identified in response to Interrogatory 24 can be established for calendar or fiscal years 2011 and 2012.

RESPONSE: *Objection. The documents requested are irrelevant, unreasonably burdensome, and/or the information sought is not reasonably calculated to lead to the discovery of admissible evidence.*

38. All reports, including but not limited to annual reports, audited and unaudited financial statements, net worth statements, and profit and loss statements, from which the net worth of any individual or entity identified in response to Interrogatory 25 can be established for calendar or fiscal years 2011 and 2012.

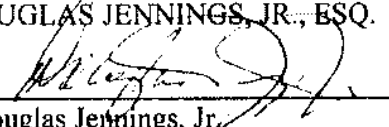
RESPONSE: *Objection. The documents requested are irrelevant, unreasonably burdensome, and/or the information sought is not reasonably calculated to lead to the discovery of admissible evidence.*

39. Copies of all pleadings, verdicts, and settlement agreements for any Litigation listed in response to Interrogatory 27.

RESPONSE: *Objection. The documents requested are irrelevant, unreasonably burdensome, and/or the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Defendants observe that such documentation would be available through other public sources. Defendants also incorporate by reference its response to Interrogatory 27.*

Respectfully submitted,

JOHN W. DAVIDSON, ESQ.
DOUGLAS JENNINGS, JR., ESQ.

By: 
Douglas Jennings, Jr.
151 Broad St., PO Box 995
Bennettsville, SC 29512
Tel # (843)479-2865

Attorneys for Defendants

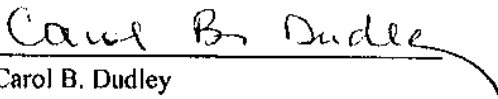
*Bennettsville, SC
April 19, 2013*

CERTIFICATE OF
SERVICE

This is to certify that a copy of the foregoing *Defendants Justice Family Farms, LLC and Catfish Bay, LLC's Responses to Plaintiffs Third Set of Interrogatories and Third Request for Production of Documents* has been served upon the following counsel of record via electronic mail and by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 19th day of April, 2013.

Robert T. Strickland, Esquire
Barnes Alford Stork & Johnson, LLP
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
Attorneys for Plaintiff

Robert W. Buffington, Esquire
Haynsworth Sinkler Boyd, PA
134 Meeting Street, Third Floor
PO Box 8448
Charleston, SC 29402
Attorneys for Plaintiff



Carol B. Dudley
Legal Assistant to Douglas Jennings, Jr.

Appearing at the hearing were Robert T. Strickland and Robert W. Buffington on behalf of Guess Irrigation, and Samuel F. Arthur, III on behalf of Defendants Justice Family Farms, LLC ("JFF") and Catfish Bay, LLC ("Catfish Bay"). Also present was counsel for the Third Party Defendant, Valmont Industries, Inc.

After carefully reviewing the record and the applicable law, and after considering the arguments of counsel, I hereby grant the Motion and award such relief as set forth herein.

FACTUAL AND PROCEDURAL BACKGROUND

According to the Complaint, Guess Irrigation entered into a contract with JFF on or about February 9, 2011 (the "Contract"), regarding the installation of a Valley irrigation system at Catfish Bay farm, a farm in Dillon and Marlboro Counties. In the Contract, JFF agreed to pay Guess Irrigation the total sum of \$1,070,580.50, which included \$766,228.70 for work and equipment under the base contract plus \$304,351.80 in approved change orders. Though Guess Irrigation maintains it completed its work in a timely and proper manner, JFF has not paid Guess Irrigation the full amount owed under the Contract, and a balance of \$144,016.00 remains, exclusive of interest and costs. As a result, Guess Irrigation filed a mechanic's lien against the Catfish Bay farm property and subsequently brought this lawsuit to foreclose the mechanic's lien. In addition to causes of action for foreclosure of mechanic's lien, breach of contract, and *quantum meruit*, the Complaint also asserts causes of action for civil conspiracy, violation of the South Carolina Unfair Trade Practices Act ("SCUTPA"), abuse of process, breach of the implied covenant of good faith and fair dealing, and recovery of attorney's fees and costs pursuant to S.C. Code Ann. § 27-1-15.

JFF and Catfish Bay originally defaulted on the Complaint, but the default was set aside by agreement. In addition to answering the Complaint, JFF asserted counterclaims against Guess Irrigation, generally alleging that the irrigation system was not timely or properly installed, thus causing damage to Catfish Bay farm's 2011 crop.

Guess Irrigation subsequently filed the following discovery motions directed to the Defendants:

1. Plaintiff's Motion to Compel, filed May 22, 2013;
2. Plaintiff's Motion to Compel and Motion to Extend Time to Name Reply Experts, filed June 3, 2013;
3. Plaintiff's Motion to Determine the Sufficiency of Defendants' Responses to Plaintiff's First Request for Admissions, filed June 4, 2013; and
4. Plaintiff's Motion to Compel Defendants' Answers to Plaintiff's Fifth Set of Interrogatories, filed August 12, 2013.

A hearing on these four motions was held on May 7, 2014, and the court entered the Discovery Order on August 18, 2014.

ANALYSIS

Guess Irrigation seeks the alteration or amendment of the Discovery Order in two respects: (a) direct JFF and Catfish Bay to fully respond to Guess Irrigation's Interrogatories No. 26 and 33 and Requests for Production Nos. 34 through 39; and (b) omit any finding that Guess Irrigation's discovery requests should be limited to inquiries regarding activities occurring within South Carolina or the implication that activities of the Defendants outside South Carolina are not relevant.

I. GUESS IRRIGATION'S INTERROGATORIES NO. 26 AND 33 AND REQUESTS FOR PRODUCTION NOS. 34-39.

Guess Irrigation's Interrogatory No. 26 and Requests for Production Nos. 34-38 generally sought net worth and financial information for calendar or fiscal years 2011 and 2012 of all persons or entities who own an interest in either JFF or Catfish Bay, as well as all persons or entities who own an interest in those entities. Guess Irrigation takes exception to the statement, on page 6 of the Discovery Order, that "Guess [Irrigation's] discovery seeks information about the net worth of a mere owner of an entity, *without any basis for doing so*" (emphasis added). Guess Irrigation asserts it had a legitimate basis for seeking the requested information, arguing that JFF and Catfish Bay may be shell companies, and thus the principle that the wealth of a defendant is a relevant factor in assessing punitive damages¹ logically extends to any persons or entities who own controlling interests in the Defendants.

The Discovery Order required the Defendants to produce net worth data on JFF upon entry of a proposed protective order. Counsel advised at the hearing that a Consent Confidentiality Order was recently entered and JFF is in the process of producing that information. Upon reconsideration, the court agrees that upon receipt of the financial data on JFF, Guess Irrigation may renew its motion to compel responses to Interrogatory 26 and Requests for Production 34 to 38 should Guess Irrigation believe the net worth data shows JFF to be a shell company with limited assets, or should facts develop during discovery triggering another exception that allows inquiry into the net worth of a company's owners (*i.e.*, the entity is the alter ego of its owners, the entity is a mere instrumentality, the entity and its owners are so intertwined that they can be considered amalgamated, etc.). If made, that motion may be heard by any judge presiding over the case.

¹ See Branham v. Ford Motor Co., 390 S.C. 203, 239, 701 S.E.2d 5, 24 (2010) (quoting Welch v. Epstein, 342 S.C. 279, 307, 536 S.E.2d 408, 423 (Ct.App.2000)).

Guess Irrigation's Request for Production No. 39 sought documentation regarding other litigation in which JFF, Catfish Bay, and their controlling persons or entities have been involved in the last five years and in which similar allegations were made against those parties. Guess Irrigation's Interrogatory No. 33 sought information regarding 47 different companies of which James C. Justice, II is claimed to be the President and CEO in a biography publicly posted on the website of The Greenbrier, a resort in West Virginia owned, like JFF and Catfish Bay, by one or more of the Justice family of companies. Upon reconsideration, the court agrees that Guess Irrigation should also be allowed to revisit these issues after reviewing the net worth data being produced by JFF. Should Guess Irrigation believe the net worth data shows JFF is a shell company with limited assets, or should facts develop during discovery triggering another exception that allows inquiry into the net worth of a company's owners (*i.e.*, the entity is the alter ego of its owners, the entity is a mere instrumentality, the entity and its owners are so intertwined that they can be considered amalgamated, etc.). Any such motion may be heard by any judge presiding over the case.

II. GUESS IRRIGATION'S DISCOVERY REQUESTS SHOULD NOT BE LIMITED TO INQUIRIES REGARDING ACTIVITIES OCCURRING IN SOUTH CAROLINA.

On page 7 of the Discovery Order, the court wrote: "[C]onduct over which this Court would have jurisdiction may be limited to only that occurring in South Carolina. In other words, a request could only be proper if it was limited to 'litigation' arising out of conduct committed in South Carolina and ascribed to Justice Family Farms, LLC[.]" Guess Irrigation is concerned the Defendants will claim this ruling bars discovery into evidence concerning the Defendants' conduct outside of South Carolina. The court understands Guess Irrigation's concern and did not

intend to place geographic limitations on Guess Irrigation's discovery. Furthermore, the court is aware of no South Carolina case law—and the Defendants have pointed to none—limiting the “capable of repetition” analysis under the SCUTPA to activities occurring within this state's borders. Accordingly, the court agrees with Guess Irrigation that, while South Carolina courts may not have jurisdiction over disputes arising in other states, Guess Irrigation is not prohibited from seeking information regarding the Defendants' activities in other states to determine whether their alleged conduct is capable of repetition or is otherwise relevant to the SCUTPA claim. Nothing in the Discovery Order shall be construed to find otherwise, and the sentences from the Discovery Order referenced above shall be considered deleted therefrom.

IT IS, THEREFORE, ORDERED that Guess Irrigation's Motion to Alter or Amend Order Granting in Part and Denying in Part Plaintiff Guess Farm Equipment Company, Inc.'s Discovery-Related Motions is **GRANTED** to the extent provided in this Order.

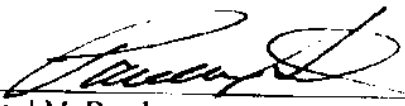
IT IS ORDERED that upon receipt of the financial data on Justice Family Farms, LLC, Guess Irrigation may renew its motion to compel responses to Interrogatories 26 and 33 and Requests for Production 34 to 39 should Guess Irrigation believe the net worth data shows Justice Family Farms, LLC to be a shell company with limited assets, or should facts develop during discovery triggering another exception that allows inquiry into the net worth of a company's owners (*i.e.*, the entity is the alter ego of its owners, the entity is a mere instrumentality, the entity and its owners are so intertwined that they can be considered amalgamated, etc.). If made, that motion may be heard by any judge presiding over the case.


IT IS FURTHER ORDERED that the fourth and fifth sentences in the second paragraph on page 7 of the Discovery Order are to be considered deleted therefrom for all intents

and purposes, and nothing in the Discovery Order shall be construed to limit Guess Irrigation's discovery requests to inquiries regarding activities occurring within South Carolina or to imply that activities of the Defendants outside South Carolina are not relevant.

IT IS FURTHER ORDERED that Guess Irrigation's Motion is denied to the extent not specifically granted by this Order.

IT IS SO ORDERED.


Paul M. Burch
Judge, Fourth Judicial Circuit


January 25, 2015
D. Miller, South Carolina

CERTIFICATE OF SERVICE

I, Susan U. Jarrett, an employee of Barnes, Alford, Stork & Johnson, LLP, hereby state that on July 31, 2015, I served a copy of the within and foregoing ***PLAINTIFF'S MOTION TO COMPEL***, upon the parties to this action, through their attorneys of record, by depositing copies in the United States Mail, first class, sufficient postage prepaid, with the return address clearly noted, addressed as follows:


Samuel F. Arthur, III, Esquire
Aiken Bridges
181 East Evans Street, Suite 409
Post Office Drawer 1931
Florence, SC 29506

Robert W. Buffington, Esquire
Haynsworth Sinkler Boyd, P.A.
Post Office Box 340
Charleston, SC 29402

Robert H. Hood, Jr., Esquire
Hood Law Firm, LLC
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K. Brett Marston, Esquire
Gentry Locke Rakes & Moore LLP
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CLERK OF COURT
DILLON COUNTY


Susan U. Jarrett
Legal Secretary
Barnes, Alford, Stork & Johnson, L.L.P.

STATE OF SOUTH CAROLINA

COUNTY OF DILLON

IN THE COURT OF COMMON PLEAS

Guess Farm Equipment Company, Inc., d/b/a Guess
Irrigation Company,
☒ Plaintiff(s).

v.

Justice Family Farms, LLC, Catfish Bay, LLC, et al.,
☐ Defendant(s).

Civil Action No. 2011-CP-17-413

**MOTION INFORMATION FORM
AND COVER SHEET**

Plaintiff's Attorney: Bar No. 5389
Robert T. Strickland
Barnes, Alford, Stork & Johnson, LLP
Post Office Box 8448
Columbia, SC 29201
Phone: 803.451.4511 Fax: 803.254.1335
Email: tom@basjlaw.com

Defendant's Attorney: Bar No.
Samuel F. Arthur, III, Esquire
Aiken Bridges.
Post Office Drawer 1931
Florence, SC 29506
Phone: 843.669-8787 Fax:
Email: sfa@aikenbridges.com

- ☒ **MOTION HEARING REQUESTED** (attach written motion and complete SECTIONS I and III)
☐ **FORM MOTION, NO HEARING REQUESTED** (complete SECTIONS II and III)
☐ **PROPOSED ORDER/CONSENT ORDER** (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Plaintiff's Motion to Compel

Estimated Time Needed: 20 minutes

Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

- ☐ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☐ Defendant

Date submitted

SECTION III: Motion Fee

☒ **PAID - AMOUNT: \$25**

- ☐ **EXEMPT:** ☐ Rule to Show Cause in Child or Spousal Support
(check reason) ☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy ☐ Motion for Execution (Rule 69, SCRCP)
☐ Motion for Publication
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached
order.
☐ Other: _____

JUDGE

Code:

Date:

CLERK'S VERIFICATION

Collected by: LC

Date Filed: _____

☒ **MOTION FEE COLLECTED:** 25.00

☐ **CONTESTED - AMOUNT DUE:** _____

SCCA/233 (11/03)

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DILLON COUNTY

WELDON R. JOHNSON *
DAVID G. WOLFF
KAY GAFFNEY CROWE *
ALAN J. REYNER †
RICHARD C. THOMAS
ROBERT T. STRICKLAND
CURTIS W. DOWLING
MATTHEW G. GERRARD
EMILY COLLINS BROWN
CATHERINE AVA KOPIEC
JENNIFER I. WAXMAN



BARNES ALFORD

Barnes Alford Stork & Johnson L.L.P.

ATTORNEYS AT LAW

OF COUNSEL
WILLIAM C. STORK
ROGER A. WAY, JR.

* CERTIFIED CIVIL
COURT MEDIATOR

† CERTIFIED SPECIALIST
IN TAXATION

RUDOLPH C. BARNES
(1917-1995)
JAMES W. ALFORD
(1930-2008)

July 31, 2015

The Honorable Gwenn T. Hyatt
Dillon County Clerk of Court
301 West Main Street
Post Office Drawer 1220
Dillon, SC 29536

Re: Guess Farm Equipment Company, Inc., d/b/a Guess Irrigation Company
vs. Justice Family Farms, LLC and Catfish Bay, LLC
Civil Action No. 2011-CP-17-413
BASJ File No. 198.19120

Dear Ms. Hyatt:

Enclosed are the original and one (1) copy of the Plaintiff's Motion to Compel in this matter. Please file the original Motion and return the clocked-in copy in the envelope provided for your convenience.

I am also enclosing the Motion Information Form and our firm's check to cover the \$25.00 motion fee.

By copy of this letter, we are serving all counsel of record with a copy of this Motion.

Thank you for your assistance. With best regards, I am

Very truly yours,

Robert T. Strickland

RTS/ts
Enclosures

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DILLON COUNTY

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BARNES ALFORD STORK & JOHNSON L.L.P.

The Honorable Gwenn T. Hyatt
Dillon County Clerk of Court
July 31, 2015
Page 2

cc: Samuel F. Arthur, III, Esquire
Robert W. Buffington, Esquire
K. Brett Marston, Esquire
Robert H. Hood, Jr., Esquire